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Facsimile letter
10-30-02

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October 11, 2002

Via Facsimile – 312/353-9306

Mr. William E. Muno
Director, Superfund Division
U.S. EPA, Region V
77 Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Sauget Area 2 Site - Groundwater Operable Unit
Letter Directed to "Kerr-McGee (formerly known as T.J. Moss
and Moss American)"

Dear Mr. Muno:

Per your letter of October 3, 2002, Kerr-McGee Chemical, LLC (KMC) requests a conference as provided by your letter, and does expect to have comments on the draft Administrative Order which was attached to your letter. Your letter was just received late yesterday.

In the future, please direct any such communications to the undersigned by facsimile or overnight delivery. Correspondence sent to the company, not addressed to any individual, is likely not to be directed to the appropriate individual, or to receive prompt attention.

By providing this letter, KMC does not admit any liability, responsibility or status as a potentially responsible party for the Sauget Area 2 Site, or the Groundwater Operable Unit, or any related area. We previously notified EPA by letter dated June 6, 2000 with respect to the Sauget Area 2 Site, that there has been no evidence produced by EPA or any other party that has been made known to KMC, which indicates that KMC is a liable party (copy attached). No new evidence has been presented to KMC since then to indicate otherwise. We do not at this time agree that KMC has status as a potentially responsible party.

To enable KMC to comply with your letter and the attached Administrative Order, we have two requests of EPA:

1. Under the Freedom of Information Act, 5 U.S.C. 552 et seq., within 10 days of this letter, provide any documents, recordings, electronic communications or other information upon which EPA has formed a

KANSAS CITY
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OVERLAND PARK
PHOENIX
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WASHINGTON, D.C.
WICHITA

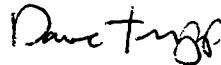
belief that KMC is a potentially responsible party for the Sauget Area 2 Site; and

2. When the conference requested by this letter is convened, arrange for a separate time on the same day for KMC representatives to meet privately with EPA representatives to review the status of EPA's allegations that KMC is a potentially responsible party.

Please direct future correspondence on this matter to the undersigned.

Yours truly,

STINSON MORRISON HECKER LLP



David R. Tripp

DRT:lg

cc: Mr. Thomas Martin (Office of Regional Counsel, EPA Region 5)
Mr. Mike Ribordy, Remedial Project Manager (EPA Region 5)
Mr. Bill Green
Mr. Keith Watson
Mr. Larry Bauer

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DAVID R. TRIPP
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July 6, 2000

Via Facsimile

Mr. Thomas J. Martin (C-14J)
Mr. Mike McAteer (SR-6J)
Ms. G. Marie Watts (SR-6J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: Kerr-McGee Chemical, LLC
Special Notice of Liability
Sauget Area 2 Site
Sauget/Cahokia, Illinois

Dear Ms. Watts and Messrs. Martin and McAteer:

This is in response to the letter dated June 23, 2000 from Ms. Wendy L. Carney, Chief, Remedial Response Branch #1, U.S. Environmental Protection Agency Region 5, concerning the Sauget Area 2 Site (the "Site"), Cahokia, Illinois. Ms. Carney's letter was received on June 30, 2000.

Ms. Carney's letter requires notification to U.S. EPA in writing within ten days of receipt of her letter regarding willingness to participate in negotiations to perform or finance the remedial investigation/feasibility study referred to in her letter.

I will be representing Kerr-McGee Chemical, LLC ("KMCC"), successor to Kerr-McKee Chemical Corporation in this matter.

Recently, I spoke with Mr. Tom Martin by telephone to request any information which EPA may possess regarding the alleged involvement of KMCC in the Sauget Area 1 Site. Mr. Martin suggested we file a Freedom of Information Act ("FOIA") request. When we filed that FOIA request on May 22, 2000, we asked for any information pertaining to the involvement of KMCC in either Area 1 or Area 2 of the Sauget Site. (See Attachment 1). Following that FOIA letter, representatives of this office and KMCC reviewed files produced by EPA pursuant to the FOIA request on May 31 and June 1, 2000. No documents were found in that review

Ms. G. Marie Watts (SR-6J,
July 6, 2000
Page 2

which indicate the status of KMCC as a PRP for Area 2 of the Site. U.S. EPA representatives did not indicate that any files were withheld from disclosure that might relate to the status of KMCC as a PRP.

Accordingly, I cannot at this time, recommend to my client that they participate voluntarily in the activities described in Ms. Carney's letter.

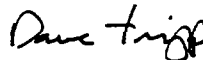
However, if EPA has documents which were not disclosed despite our FOIA request and review, we would be willing to reevaluate our position on this matter. If EPA has such evidence we hereby request any and all such documents be provided promptly so that we may re-evaluate our position with respect to the demands of Ms. Carney's letter. In the absence of any such evidence, I see no basis for the inclusion of KMCC as a PRP in this matter.

As requested by Ms. Carney's letter, following are the names, addresses, email addresses, and telephone numbers for any further contact:

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Thank you for your attention to these matters, and we look forward to your prompt reply.

Very truly yours,



David R. Tripp

DRT:rsm

cc: Mr. W.O. (Bill) Green, Jr.
Mr. Keith Watson
Mr. Larry Bauer
Ms. Sandra J. Wunderlich

ATTACHMENT 1

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May 22, 2000

Via Facsimile - 312/886-1515

Freedom of Information Act Officer
ATTN: Mr. Fred Gage
U.S. Environmental Protection Agency
Region V
77 West Jackson
Chicago, Illinois 60604

Re: Kerr-McGee Chemical Company

Dear Mr. Gage:

Under the authority of the Federal Freedom of Information Act, 5 U.S.C. § 552 et. seq., I hereby request access to all records in the possession of EPA Region V concerning the following:

Sauget, Illinois Superfund Site
Areas 1 and 2 relating to: T. J. Moss Tie Company
Kerr-McGee Company
Monsanto, Inc.
Solutia, Inc.

Based upon our discussion, I understand that I may call to schedule a review of these files during the week of May 22, 2000. Thank you for your cooperation in this matter.

Yours truly,



David R. Tripp

DRT:lg

cc: Mr. W. O. "Bill" Green, III
Mr. Larry Bauer
Ms. Sandy Wunderlich